

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

CSX TRANSPORTATION, INC.,
individually and on behalf of NORFOLK
& PORTSMOUTH BELT LINE
RAILROAD COMPANY,

Plaintiff,

v.

Civil Action No. 2:18-cv-530-MSD-LRL

NORFOLK SOUTHERN RAILWAY
COMPANY, *et al.*,

Defendants.

_____ /

**CSX TRANSPORTATION, INC.’S
MOTION TO FILE DOCUMENTS UNDER SEAL**

COMES NOW Plaintiff CSX Transportation, Inc.’s (“CSXT”), by counsel, and respectfully submits this Motion to Seal portions of its unredacted Consolidated Opposition to Defendants’ Motions for Summary Judgment (hereinafter “Opposition”), together with certain Exhibits thereto.

CSXT seeks to seal its unredacted Opposition and Exhibits 1-33, 35-53, 55-56, 59-64, 66-70, 72-79, 81-83, 85-86, 90, 92-95, 97, 99-102, 104-107, and 109-118 because they contain and/or reference information that have been designated as “Confidential” or “Confidential–Attorneys Eyes Only” (“AEO”) under the Stipulated Protective Order entered in this matter. ECF No. 79 ¶ 16.

In support of this Motion, CSXT submits contemporaneously a non-confidential Memorandum in Support of Motion to File Documents Under Seal. CSXT has also filed herewith a Notice of Filing a Motion to Seal, as required by Local Civil Rule 5(C). CSXT waives oral

argument on this motion. A proposed order granting the requested relief is attached as **Exhibit 1**.

For the foregoing reasons, CSXT respectfully requests that the Court grant its Motion to Seal and enter the attached proposed order providing for the sealing of these materials.

Dated: May 3, 2021

Respectfully submitted,

CSX TRANSPORTATION, INC.

By Counsel

/s/ Benjamin L. Hatch

Robert W. McFarland (VSB No. 24021)

Benjamin L. Hatch (VSB No. 70116)

V. Kathleen Dougherty (VSB No. 77294)

MCGUIREWOODS LLP

World Trade Center

101 West Main Street, Suite 9000

Norfolk, Virginia 23510-1655

Telephone: (757) 640-3716

Facsimile: (757) 640-3930

E-mail: rmcfarland@mcguirewoods.com

E-mail: bhatch@mcguirewoods.com

E-mail: vkdougherty@mcguirewoods.com

J. Brent Justus (VSB No. 45525)

Ashley P. Peterson (VSB No. 87904)

MCGUIREWOODS LLP

Gateway Plaza

800 East Canal Street

Richmond, Virginia 23219-3916

Telephone: (804) 775-1000

Facsimile: (804) 698-2026

E-mail: bjustus@mcguirewoods.com

E-mail: apeterson@mcguirewoods.com

CERTIFICATE OF SERVICE

I certify that on this 3rd day of May, 2021, a true and correct copy of the foregoing was served on all counsel of record via Notice of Electronic Filing by filing with the Court's CM/ECF system.

/s/ Benjamin L. Hatch

Robert W. McFarland (VSB No. 24021)
Benjamin L. Hatch (VSB No. 70116)
V. Kathleen Dougherty (VSB No. 77294)
MCGUIREWOODS LLP
World Trade Center
101 West Main Street, Suite 9000
Norfolk, Virginia 23510-1655
Telephone: (757) 640-3716
Facsimile: (757) 640-3930
E-mail: rmcfarland@mcguirewoods.com
E-mail: bhatch@mcguirewoods.com
E-mail: vk dougherty@mcguirewoods.com

J. Brent Justus (VSB No. 45525)
Ashley P. Peterson (VSB No. 87904)
MCGUIREWOODS LLP
Gateway Plaza
800 East Canal Street
Richmond, Virginia 23219-3916
Telephone: (804) 775-1000
Facsimile: (804) 698-2026
E-mail: bjustus@mcguirewoods.com
E-mail: apeterson@mcguirewoods.com